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From:

**Sent:** Wednesday, October 07, 2009 4:26:45 PM

To: Cc:

**Subject:** RE: Non-Partnership or Affected Item

The case is governed by Roberts v. Commissioner, 94 T.C. 853 at 860 (1990). Both taxpayer and the government are bound by how the partnership treated the contribution in the absence of a TEFRA proceeding to redetermine the partnership's treatment.